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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/105,150	06/26/1998	ANGELO T. DONFRANCESCO	36087	5213

23820 7590 11/20/2001

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EXAMINER

FIGUEROA, FELIX O

ART UNIT PAPER NUMBER

2833

DATE MAILED: 11/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/105,150

Applicant(s)

DONFRANCESCO ET AL.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1 and 11 remain objected to because of the following informalities: In claim 1 line 5, the phrase --in cross section-- should be added after "circular". In claim 11 lines 6 and 7, "and circular" should be --and having a circular cross section--.

Applicant's arguments regarding this objection have raised the question how the second end can be circular and planar at the same time. Clarification of such is kindly requested.


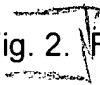
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:


(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-16 and 18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Crowther (US 3,068,445).

Crowther discloses a terminal assembly (10) comprising a terminal base (12) having a bore (18) with an internal thread, a screw (16) having a shank (24) with opposite first and second ends and with an external thread (26), and having a head (22) on the first end, and a deformation (36) in a portion of the external thread adjacent the second end forming a stop to limit removal of the screw from the bore. However, Crowther does not show the deformation being a stake. In column 2 lines 25-31, Crowther discloses that the second end can be distorted by peening or other suitable

means. [*peen (n.) the end of a hammerhead opposite the flat striking surface, often wedge-shaped or ball-shaped and used for chipping, indenting, and metalworking*] The American Heritage® Dictionary of the English Language, Fourth Edition, Copyright © 2000 by Houghton Mifflin Company.  It would have been an obvious matter of design choice to deform the second end of the shank as shown by Fig. 2 or with a stake, since applicant has not disclosed that the use of a stake solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with deformation shown in Fig. 2.  Further, it is noted that a deformation made with a wedge-shaped peen will extend along a chord of the second end, since the purpose (discloses by Crowther) is to deform the threads, therefore reducing the width between adjacent crests of the external threads. Please note that any deformation at the end of the shank, as shown by Crowther, will place the deformation transverse to the longitudinal axis of the shank.

Crowther also discloses a backing plane (14) having a central aperture receiving the shank and positioned between the head and the base, the backing plate comprising two depending tabs (30) being slidably received on openings (20) on the base, and a contact (34) extending from the base. Crowther also shows the axial length of the external thread being greater than the axial length of the internal thread.

 Specifically on claims 4 and 16, it would have been an obvious matter of design choice to offset the deformation/stake from the longitudinal axis of the shank, since applicant has not disclosed that such arrangement solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with

regardless of the location of the deformation/stake with respect to the longitudinal axis of the shank.

Response to Arguments

Applicant's arguments filed 09/25/01 have been fully considered but they are not persuasive.

Regarding applicant's arguments about Crowther, please note that such arguments are being based on an assumption which is not correct. Crowther clearly discloses that "the last thread at the free extremity of screw 16 can be distorted" in column 2 lines 27-30.

Regarding applicant's argument that "the claimed stake is quicker and easier to form", please note that such argument is not supported by the specification as originally filed. Additionally, there is no apparent difference in procedure between the use of the method shown in Fig.2 of Crowther, and the use of stake to deform the end of the shank. Also note that the definition of peen above includes the use of a wedge-shaped end, which usage will create a stake on the end of the shank.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ffr
November 6, 2001


Gary Paumen
Primary Examiner